

REMARKS

Claims 15 – 17, 20, 24, 26, 39 – 44, and 47 – 58 are currently pending with Claim 15 being the only pending independent claim.

In the Office Action, the Examiner rejected independent Claim 15 under Section 112, second paragraph as allegedly being indefinite. The dependent claims were also rejected as allegedly being indefinite due to their dependence from Claim 15.

Each of the foregoing rejections is respectfully traversed and favorable reconsideration is requested in view of the above amendments and following remarks.

The Examiner's rejection is based upon the contention that Claim 15, as amended in the Applicants' April 25, 2008, response, implicitly requires that the "coating" step be carried out prior to the "incorporating" step. Based upon this interpretation of Claim 15, the Examiner contends that dependent Claim 45 fails to further limit Claim 15 and that dependent Claim 46 is inconsistent with Claim 15.

In response to this rejection, Claim 15 is herein amended to explicitly require that the borate solution coating is applied to the cementitious building component solution prior to its being incorporated into the man-made structure. Thus, Claim 15 now incorporates the subject matter of Claim 45.

In addition, new independent Claim 47 is presented, along with dependent Claims 48 – 58, which incorporates the subject matter of Claim 46 and specifies that the cementitious building component is coated with the borate solution after being incorporated into the man-made structure.

In view of these amendments, dependent Claims 45 and 46 are cancelled. It is therefore respectfully submitted that the indefiniteness rejections of Claim 15 and its dependent claims should be withdrawn.¹

In light of the foregoing, Applicants urge the Examiner to reconsider the application, to withdraw the rejections, and to issue a notice of allowance at the earliest possible convenience.

In the event this response is not timely filed, Applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other

¹ Although the claims have been amended, it is noted that when the language of a method claim does not on its face recite an order of performance, the steps of the method need not be read sequentially.

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fees which may be due with respect to this paper be charged to our Deposit Account No. 12-2355.

Respectfully submitted.

LUEDEKA, NEELY & GRAHAM, P.C.

By:

A handwritten signature in black ink, appearing to read "J. David Gonce", written over a horizontal line.

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